

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

MICHAEL LEE MUZA,

Respondent,

v.

DENA LEANN MUZA,

Appellant.

DOCKET NUMBER WD77431

Date: December 23, 2014

Appeal from:
Jackson County Circuit Court
The Honorable Kenneth R. Garrett, Judge

Appellate Judges:
Division One: Thomas H. Newton, Presiding Judge, Lisa White Hardwick and Anthony
Rex Gabbert, Judges

Attorneys:
Jill K. Shipman-Dehardt, Lee's Summit for respondent, for appellant.
Dana M. Outlaw, Lee's Summit, Mo for appellant, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

COURT OF APPEALS -- WESTERN DISTRICT

MICHAEL LEE MUZA

Respondent,

v.

DENA LEANN MUZA,

Appellant.

WD77431

Jackson County

Before Division One: Thomas H. Newton, Presiding Judge, Lisa White Hardwick and Anthony Rex Gabbert, Judges

Dena Muza ("Wife") appeals the circuit court's division of property in the judgment dissolving her marriage to Michael Muza ("Husband") dissolution of marriage. Wife contends the circuit court erred in classifying potential damages from a pending lawsuit as marital property.

AFFIRMED.

Division One holds: Because the legal claims asserted in Wife's lawsuit were acquired during the marriage, a statutory presumption exists that any potential damages resulting therefrom are marital property. Such a presumption must be rebutted by clear and convincing evidence. However, Wife failed to appear at the dissolution proceeding and presented no evidence on the issue. Accordingly, Wife failed to rebut the presumption, and the circuit court did not err in classifying the potential damages as marital property. The judgment is affirmed.

Opinion by: Lisa White Hardwick, Judge

December 23, 2014

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